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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,833	12/02/2003	Attila Grauzer	PA0941.ap.US	3573

7590 06/01/2006

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EXAMINER
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LAYNO, BENJAMIN

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/725,833	<b>Applicant(s)</b> GRAUZER ET AL.	
	<b>Examiner</b> Benjamin H. Layno	<b>Art Unit</b> 3711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36-43 is/are allowed.
- 6) ☒ Claim(s) 44-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's arguments filed 03/28/06 have been fully considered but they are not persuasive.

#### ***Allowable Subject Matter***

2. Claims 36-43 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter: None of the cited references alone or in combination teach the claimed "a card loading area", "a plurality of randomized sets of cards and each randomized sets of cards is delivered to a same single tray", "a shuffling chamber having a plurality of card receiving compartments, wherein each compartment is able to receive more than one card within an opening of the card-receiving compartment, wherein the same single tray is separate from an area in the apparatus for forming the plurality of randomized sets of cards" recited in claim 36.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 44-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelley. The patent to Kelley discloses an apparatus for delivering hands of randomly mixed cards. A deck of playing cards is provided in a loading area 2, 3, 4. An area 24 in the

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apparatus comprising a pinch roller 19, photo sensor 20, processor 26, motor 21, and displacement cam 22, **distributes the cards contributing to the forming** of at least one set (hand) of playing cards within the apparatus from the at least one deck of playing cards, col. 7, line 44 to col. 8, line 7. The apparatus further comprises a plurality of delivery trays or card receiving compartments 12. Thus, there is **at least** a single delivery tray 12. The single delivery tray 12 is separate from the area 24 in the apparatus for the forming of the at least one set of cards. The motor 21 and displacement cam 22 delivers a set of randomly mixed playing cards to a single delivery tray 12. The formed set of randomly mixed playing cards from the single delivery tray is manually withdrawn and delivered to a player, with all the playing cards in the individual set delivered at the same time, col. 8, lines 11-14. A second set of randomly mixed playing cards is formed within the same single delivery tray after the first set of cards is removed from the single delivery tray.

### ***Response to Arguments***

The Applicant has argued that Kelley teaches a dealing module in which cards are provided in a first card receiver and then cards are individually directed along a movable chute to a multiplicity of card delivery trays. The system of Kelley cannot function without the multiplicity of cards delivery trays, and direct transporting of cards from the card receiver to the multiplicity of delivery trays is the only hand forming mechanism shown. While the system of the presently claimed technology teaches a dealing module in which cards are provided in a first card receiver, then cards are moved to form sets of randomized cards in multiple trays within the module, and then

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sets of cards are unloaded into a single delivery tray to form a hand that is then removed. The Examiner takes the position that independent claims 44, 51, 56, 61 and 62 **do not recite** "cards are moved to form sets of randomized cards in **multiple trays** within the module". The independent claims 44, 51, 56, 61 and 62 of the present invention only recite "forming at least one set of cards within the apparatus from the at least one deck of playing cards". There is no structure in this recitation defining exactly **where** the set of cards are formed within the apparatus. Therefore, this step is broad and meets Kelley's invention.

In independent claims 44, 51, 56, 61 and 62 of the present invention recite that a randomly formed set or group of mixed playing cards are delivered or transferred into a **single delivery tray**. The Examiner takes the position that "a single delivery tray" broad and is not limited to **consisting of only one** delivery tray. Therefore, Kelley meets this limitation.

The Applicant has argued that Kelley cannot replace cards in a single tray, because when a hand is removed, the complete deck has been dealt. The Examiner takes the position that the recitation "forming a second individual group of randomly mixed playing cards within the same single delivery tray **after** the first group of randomized cards are removed and put into play", recited in independent claims 44, 51, 56, 61 and 62 is broad. There is no recitation of exactly the period of time (time lapse) between the time the first group of cards is removed from the delivery tray and the time the second group of cards is formed in the delivery tray. Thus, the term "after" may be broadly interpreted as meaning after the first game is completed and the played cards

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are returned to the shuffling machine. While playing first card game using Kelley's delivery apparatus, a first group of randomized cards are removed from Kelley's single delivery tray. When the first game is over, cards are returned to Kelley's delivery apparatus, and a second set of randomly mixed playing cards is formed within Kelley's single delivery tray to start a second game. Thus, the second set of randomly mixed playing cards is formed within Kelley's single delivery tray **after** the first set of cards is removed from Kelley's single delivery tray.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

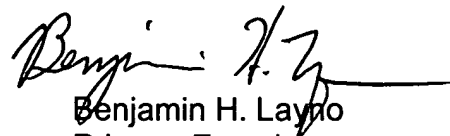
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read "Benjamin H. Layno", with a long horizontal flourish extending to the right.

Benjamin H. Layno  
Primary Examiner  
Art Unit 3711

bhl